

STUDENT LIFE POLICIES



The College of William and Mary
in Virginia
1973

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The College of William and Mary in Virginia
Williamsburg, Virginia

P R E F A C E

THIS PUBLICATION is designed to acquaint the student with the basic policies of the institution and the agencies which have principal roles in the development and administration of these policies. Officers of the College and members of the faculties will be glad to supplement the information presented here in any way that may be helpful.

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THE COLLEGE OF WILLIAM AND MARY IN VIRGINIA	

STUDENT AFFAIRS

AUTHORITY AND AGENCIES

General Statement

The achievement of the educational purposes of the College is a responsibility shared by all members of the College community. While the Board of Visitors, the President, and the administrative officers bear the ultimate responsibility and authority, a direct responsibility rests also on students and faculty to maintain on the campus, in the classrooms, and in the residence halls, the environment necessary for the pursuit of scholarly activities, the protection of the rights of others, and the assurance of the opportunity for personal growth and development. In the formulation and administration of rules of conduct students express their responsibility by participation in Student Government, in Residence Hall Councils, in the Discipline Committee, and in the Honor Council.

As citizens, students enjoy the same rights and responsibilities as those outside the College community. The College considers the observance of public laws of equal importance with the observance of its own regulations. Students should note that in addition to laws governing the conduct of all citizens the Code of Virginia contains specific provisions relating to colleges and universities that prohibit hazing; malicious burning or destruction by explosives of any college building or any other malicious destruction of college property; threats to bomb, burn, or destroy any school building; and bribery of any amateur sport participant.

The College's policies and regulations applicable to nonacademic affairs of students are set forth in the section of this booklet entitled Policies and Regulations; academic regulations will be found in the College catalog.

The Board of Student Affairs

The Board of Student Affairs consists of representatives of the student body, faculty, and administration. The Board has full power to investigate any area of the College pertaining to student concerns, and presents its opinions in the form of recommendations to the appropriate authorities. In addition, the Board has final authority over the allocation of the Student Activities Fee.

Student Government

Undergraduate student government is vested in the Student Association of the College of William and Mary composed of Executive, Legislative, and Judicial branches.

The executive branch consists of the President of the Student Association, Vice President, Secretary, Treasurer, and all administrative assistants of the President. The executive branch has the responsibility to oversee all functions and activities of the Student Association, as defined by the Student Association Constitution and its By-Laws. The President is responsible for the execution of all Senate legislation, is the official representative of the Student Association, and is also responsible for the overall organization and direction of the Student Association.

The Senate is the legislative branch of the Student Association. It is composed of elected representatives chosen from the undergraduate students and is chaired by a Speaker elected by the Senate. Representation in the Senate is proportionately based on the number of students in the residence halls and off-campus. A Senator is responsible for representing his or her constituency and for participating actively on one or more of the Senate Committees. The Senate has the power of recommendation concerning all areas of student life. Senate recommendations are forwarded to the Student Association President for presentation to the Board of Student Affairs, the Faculty, or the appropriate administrator.

The judicial branch of the Student Association consists of the Honor Council. This Council is vested with the power of interpreting the Student Association Constitution and its By-Laws.

Women's Dormitory Association

The Women's Dormitory Association is the representative body for the women who reside in residence halls.

The Executive Council of the WDA consists of the elected officers: President, Vice President, Secretary, and Treasurer. This Council plays an active role in the selection and orientation of Orientation Aides and Resident Assistants. Through its appointed committees, the Executive Council coordinates day student activities, and maintains an Information Referral Service.

The Judicial Branch of WDA consists of the Residence Hall Councils, which handle infractions of student-established regulations. The chairpersons of the Residence Hall Councils and the WDA Vice President form the WDA Executive Committee.

Residence Hall Councils

Residence Hall Councils are composed of elected officers of each residence hall and are responsible for the governance of the hall. More detailed information will be found in the section of this booklet entitled "Residence Hall Life."

POLICIES AND REGULATIONS

Personal Conduct

Hazing or other pre-initiatory activities which subject another person to mental or physical discomfort, embarrassment, harassment or ridicule, assault and battery, subjecting another person to harassment or abuse or threats or intimidation are prohibited. The penalty for violation of this regulation shall not be less than reprimand nor greater than dismissal.

Violations of Law

Charges or convictions of violations of local, state, and federal law will not result in disciplinary action by the College unless it is determined that such disciplinary action is essential to the protection of other members of the College community or to the safeguarding of the educational process.

Public Performances

No person or group of persons shall either in Williamsburg or elsewhere, represent the College in a public performance of any kind unless prior approval shall have been obtained from the Dean of Students.

Alcoholic Beverages

All students of the College and their guests and all organizations must observe Virginia law as it pertains to the purchase and consumption of alcoholic beverages. Students should note that State law prohibits the consumption of alcoholic beverages in unlicensed public areas. Public areas include the lounge areas of College residence halls to which the general public has access. Alcoholic beverages may be consumed in an unlicensed area only if such an area can qualify under State law as a *private place*. The Alcoholic Beverage Control Board has interpreted the term *private place* to include:

1. The private room or quarters of an individual resident of a residence hall.
2. The area reserved or designated for an organized, scheduled social function limited to an identifiable group such as the residents of a particular residence hall, or members of an organization and their personally escorted guests or "dates." Such events are scheduled by the College with the understanding that the sponsoring students will supervise admission of guests so as to ensure that the above limitations of a "closed" or private party are met. It is highly recommended that the sponsoring organization require all persons attending to register their names at the entrance of such event.

Disruptive Conduct

A. DEFINITIONS

The College of William and Mary is a community of scholars existing to promote the advancement of learning, the encouragement of scholarship and the transmission of knowledge. As a publicly supported institution of learning, it endeavors to make its programs and resources available not only to the community of scholars but, to the extent feasible, to the public as well.

To attain its mission as an educational institution and to accomplish maximum utilization of its resources, it is essential that each student respect and recognize the authority of the College to engage in normal programs and activities. In this context, the following definitions are applicable:

1. Normal Functions and Activities. A normal function is any lawful activity carried on by the College, or conducted under the auspices of, sponsored by or with the permission of the College on property under the control of the College. Illustrative examples, which are not comprehensive, include the conduct of educational activities, cultural events, recreational, extracurricular, and athletic programs, the care, maintenance and security of physical property, the maintenance of vehicular and pedestrian traffic, and the performance of assigned duty by members of the faculty and staff.
2. Disruptive Conduct. Disruptive conduct includes both violation of obligations imposed on citizens generally and violation of particular obligations required to maintain an educational institution. These specifically include:
 - a. Any violation of the law of the Commonwealth of Virginia, or of the United States which violation obstructs or disrupts a normal function is disruptive conduct. This includes both violation of general law and of law particularly applicable to students.
 - b. Non-criminal conduct which obstructs or disrupts a normal function including the unreasonable obstruction of passage of others through corridors or at entrances and exits, other group assemblies which obstruct or disrupt, unauthorized presence in a building after normal closing hours or after notice that the building is being closed, physical detainment of a student or of a member of the administration, staff or faculty against his will, the entry into or onto any College

controlled property with the intent to, or the awareness that such activity will disrupt any normal function of the College or any other activity conducted with the intent or awareness that such activity will disrupt or obstruct a normal function is disruptive conduct.

- c. Any failure to comply with a request to move on, to vacate an area or to desist a particular course of conduct where such request is made by an authorized person in the reasonable and good faith belief that compliance with the request is necessary to the safety and welfare of the person or persons so requested or others, or to the maintenance or restoration of the normal functions and activities of the College. For this purpose, an authorized person is the President of the College, the Executive Vice President, the Dean of the Undergraduate Program, the Dean of Students and the Dean of any school or faculty, any member of the campus security police and any law enforcement officer or conservator of the peace, and any person specifically authorized by the President orally or in writing who, in making such request gives notice of the authority given him by the President.
- d. Any failure to comply with the terms of any curfew imposed by the President or the Executive Vice President for the purpose of restoring or maintaining the security of persons and property.

B. PROHIBITED CONDUCT

No student shall commit any act which amounts to disruptive conduct as defined in this regulation, nor knowingly participate with others in conduct which amounts to disruptive conduct.

C. PENALTY AND PROCEDURE

Any person engaging in disruptive conduct may be charged with a violation of this regulation. The charge shall be heard in accordance with the disciplinary procedures of the College. Conduct prohibited in Section B may result in penalties of reprimand, probation, suspension for a specific period or dismissal, depending upon the gravity of the particular conduct involved and the presence or absence of extenuating circumstances.

Drugs

For the purpose of these regulations drugs are defined as including marijuana, hashish, amphetamines, LSD compounds, mescaline, psilocybin,

DMT, narcotics, opiates, and other hallucinogens except when taken under a physician's prescription in accordance with law.

College regulations in conformity with federal and state statutes governing drug use provide the following:

1. Manufacturing, merchandising, or providing others with drugs is prohibited. The penalty for violation of this regulation will be not less than disciplinary probation nor greater than dismissal from the College.
2. Possession or consumption of drugs is also prohibited. The penalty for first violation of this regulation will be not less than reprimand nor greater than suspension from the College, and for the second, not less than disciplinary probation nor greater than dismissal from the College.

Possession and Use of Motor Vehicles

Students who have not completed the equivalent of four full semesters may not maintain automobiles on the College campus or in Williamsburg. This regulation does not apply to graduate or day students commuting from their homes, or to students age 21 or over. Exceptions to the regulation may be made only for essential employment, physical disability or for other essential college-related needs. This special permission is to be secured from the Dean of Students. A student who brings an automobile to the campus without prior written approval, in anticipation of obtaining special permission, is in violation of this regulation.

The penalty for a first violation of the automobile regulation will be not less than reprimand nor greater than suspension for one semester. The penalty for a subsequent violation will not be less than reprimand nor greater than dismissal.

College regulations require that all motor vehicles operated on the campus, including motor scooters, be registered by the third day of classes.

The Transportation Control Board administers regulations governing registration of vehicles and parking and traffic on the College campus. The regulations, procedures and penalties of the Board are set forth in the Motor Vehicle Regulations pamphlet available at the Office of the Dean of Students and the Campus Security Office.

Residence Hall Life

A. RESIDENTS

All freshmen and sophomore students under 21 years of age, except those who commute daily from the homes of their parents or legal

guardians are required to live in College housing. Unclassified students and those carrying a part-time program of studies are not eligible for accommodations in College residences. The residence halls are not open for occupancy during the Thanksgiving, Christmas, and Spring holidays. Exceptions to this policy may be granted at the request of a Residence Hall Council upon approval by the Associate Dean of Students for Residence Hall Life.

To reserve a room in a College-owned residence a returning student must pay a non-refundable \$50.00 room reservation deposit and execute a lease with the College by March 1. In addition, each student must maintain with the College a \$75.00 damage deposit as a condition of room occupancy.

B. GENERAL PROVISIONS

The Dean of Students, Associate Deans of Students for Residence Hall Life and Student Development and the staff of residence halls (head residents, resident counselors, graduate residents, and resident assistants) are responsible for enforcing the following regulations. Willful violations of these regulations will result in a penalty ranging from reprimand to suspension unless otherwise specified.

1. Conduct

Conduct which violates the regulations of either the College or the appropriate Residence Hall Council is prohibited. If the conduct is in violation of a regulation established by a Residence Hall Council, that body shall have original jurisdiction in the matter.

2. Damages to College Property, Rooms, Furnishings

Damages to rooms and the furnishings therein will be charged to the occupant(s) unless the identity of others responsible for the damage is known. Such charges will be assessed against the individual's damage deposit unless the damage exceeds \$75.00. Any charges in excess of \$75.00 will be billed separately. Pictures, maps, pennants, posters and the like, may be hung only from the molding and are not to be taped or otherwise fastened to the walls. Marking on the walls is regarded as damage and will be charged accordingly. College furniture may not be painted or otherwise refinished nor may furniture be removed from the room in which it has been placed. Exceptions to this policy must be approved in advance by the Associate Dean of Students for Residence Hall Life.

Damage to the common areas in residence halls and their furnishings (including vending machines and other equipment placed in the residence halls as a convenience to the residents) will be charged to the person(s) responsible in the manner described above. Lounge furniture may not be moved from the common areas.

3. Motorized Vehicles and Bicycles

Motorized vehicles and bicycles may not be parked in College residences or in any other areas except those designated for student parking. (For more detailed information, the student should refer to the pamphlet, "Motor Vehicle Rules and Regulations.") In addition, the Campus Security Police reserve the right to remove motorized vehicles and bicycles which are in violation of this regulation even if such removal requires that the chain or lock used to secure the vehicle be destroyed. Vehicles impounded in this fashion may be recovered through the Campus Security Office.

4. Pets

For sanitary reasons, dogs and other pets may not be kept in the residence halls.

5. Electrical Equipment

Refrigerators which draw 5 amperes of current or less are permitted in individual student rooms. Other appliances are permitted only upon approval by the Superintendent of Buildings and Grounds. Requests for approval must be initiated through the Associate Dean of Students for Residence Hall Life. Under no conditions will appliances which draw more than 5 amperes be approved. Air conditioners are specifically prohibited.

6. Firearms and Fireworks

Firearms may not be kept in residence halls. The possession of fireworks or the exploding of fireworks in the residence halls or elsewhere on the campus is prohibited.

7. Solicitation by Students or Others

Except by written approval, solicitation or sale of goods on campus or in the residence halls is prohibited. Approval for solicitation by students must be obtained through the Office of the Director of Student Aid. Approval for solicitation by non-

students must be obtained through the Office of the Dean of Students.

C. SELF-DETERMINATION AND SECURITY

Residence Hall Councils are accountable to the President of the College or such official as he may designate, for the proper implementation and administration of the following policies. Upon request of the Board of Student Affairs or at the initiative of the President of the College or his designated representative these policies are subject to review, reconsideration and revision.

Violation of these principles by individual students will result in penalties ranging from removal of privileges to suspension upon the decision or recommendation of the Residence Hall Council or the recommendation of the Associate Dean of Students for Residence Hall Life.

Self-determination—Each student living in a residence hall (including fraternities and sororities) will have self-determination as to his or her freedom of movement in and out of his or her residence hall and self-determination as to the hours of such movement. Students residing in each residence hall shall, in addition, have self-determination in establishing the policies, procedures, and administration of visitation by guests for that hall, including guests of the opposite sex. In the exercise of the principle of self-determination, policies and procedures will be developed by the residence hall council of each unit to insure the individual's right of privacy and freedom of personal choice and movement. These policies and procedures must be fully consonant with the security system employed in the residence halls. It is assumed that each visitor to a residence hall will be a welcome guest of a resident of that hall and that the policies and procedures adopted by the residence hall councils will be compatible with the academic objectives of a residential educational community of its citizens. Visitation by members of the opposite sex will not be permitted until the Residence Hall Council has been organized and these policies and procedures implemented.

Security—An electronic card-key security system is employed in the residence halls for the protection of the residents. Each resident must secure a key to his or her room and a card-key (or door key where appropriate) for the residence to which he or she is assigned. A \$5.00 deposit is required for this service. Room

keys, front door keys, and card-keys must be relinquished promptly upon request by the Associate Dean of Students for Residence Hall Life and must be returned upon withdrawal, when moving from one residence and/or room to another, and at the close of each session. A fee of \$2.50 will be charged for replacement of a lost card or key.

All residence halls will operate on the electronic security system while College is in session during the hours listed below:

Sunday-Thursday	12 midnight to 7:00 a.m.
Friday	1:00 a.m. to 7:00 a.m.
Saturday	2:00 a.m. to 7:00 a.m.

Individual residence halls may elect to close their residences at an earlier hour and to reopen them at a later time should the residents so desire.

D. GOVERNANCE OF RESIDENCE HALLS

Students who reside in residence halls exercise responsibility and self-governance through the residence hall council.

1. Composition and Organization—During the first week of classes of the academic session, each residence hall (the sections of the Bryan Complex, the Ludwell Apartments, the new dormitory complex, and the sorority and fraternity houses are considered as individual residence halls) shall elect a residence hall council consisting of at least one representative from each floor or section of the unit. The officers of the residence hall council shall be a chairperson, vice chairperson, secretary and/or treasurer and whatever other positions are deemed necessary. The head resident, resident counselor, graduate resident or resident assistant responsible for the residence may serve as an advisor to the council. Election of councils in the freshman residence halls may be deferred beyond the first week of classes but may not be delayed beyond the fourth week of the session. Any member of the residence hall council shall be subject to recall proceedings when the council has received a petition signed by 30% of the residents. A majority vote of the residents is required for recall of a council member and the election to determine the status of the member must be held within 10 days of the receipt of the petition.
2. Rights and Responsibilities
 - a. The residence hall council has the responsibility for organizing the social and recreational activities of the residence hall. The

council has the right to appoint the committees necessary to this function and the right to establish dues and receive contributions as a means of support for its programs.

- b. The residence hall council has a responsibility to insure the maintenance and enhancement of an environment in the residence hall compatible with the academic objectives of a residential community. Among the rights of the council which are necessary to this function is the right to represent the residents of the unit in matters which pertain to needed physical improvements in the residence, especially in the case of those which require long-term planning. The council also has the right to arrange for programs of an informative nature in the residence hall according to the needs and interests of the residents. Committees may be appointed to accomplish these ends.
 - c. The residence hall council has the responsibility for administering and enforcing rules and regulations established by the residents of the unit. In the exercise of this function the council must take special care to insure the residents' rights of privacy and freedom of personal choice and movement, a level of conduct which respects the rights of others, and whatever procedures are appropriate to effective maintenance of the security system in the residence.
3. The residence hall council has the right to hold referenda to determine the rules and regulations of the unit subject to the following considerations:
 - a. No rule or regulation may be established which is inconsistent with or contrary to the rules, regulations and policies of the College.
 - b. All rules and regulations established by the unit must be determined by a majority vote of the residents taken by a secret ballot.
 - c. Any rule or regulation shall be subject to a referendum upon receipt of a petition signed by 10% of the residents of the unit. Such a referendum must be held by the Council within 10 days of its receipt of the petition.
 - d. All rules and regulations established by the residence hall council (including the range of penalties to be imposed for violation of these) shall be printed and issued to each resident, as well as posted in the residence hall.
 4. In the enforcement of residence hall regulations the council is empowered to hear cases involving residents of the unit and non-

residents as well, subject to the observance of the following procedures:

- a. The residence hall council may administer penalties of restriction or removal of privileges, or written or oral reprimand, and other such penalties short of disciplinary probation. Serious infractions or repeated violations may be referred to the Associate Dean of Students for Student Development.
- b. In the conduct of hearings the principles of fair play and due process must be adhered to. In general these hearings should conform to the procedures which have been established for the Discipline Committee of the College (see page 14).
- c. At any time during the hearing of the case the residence hall council may refer the incident to the Associate Dean of Students for Student Development.
- d. A student may appeal the decision of the residence hall council to the Associate Dean of Students for Student Development within 5 days of the conclusion of the hearing. The penalty imposed at any level of the appeal process cannot be greater than the original penalty. Additional appeals will follow the pattern described on page 16.
- e. A written summary of each case shall be submitted to the Associate Dean of Students for Student Development. Access to these records shall be limited to the accused, the Chairperson (or President) of the council hearing the case, and those College officials or committees engaged in the disciplinary or appeal process.

E. INSPECTION AND SEARCH OF STUDENT LIVING QUARTERS

Routine inspections may be held periodically for the purpose of assuring fire protection, sanitation, safety or proper maintenance of the College's buildings. Any such inspections, except in the case of emergencies, will be announced at least three days in advance and a Resident Assistant will be asked to accompany the inspector. The student's absence will not prevent the carrying out of such maintenance or safety inspections. When an occupant has requested repairs, authorized maintenance personnel may enter in the student's absence for the sole purpose of making the repairs requested.

No student's room or possessions shall be searched by College authorities unless there is reasonable cause to believe that a student is using his or her room for a purpose in violation of federal, state, or local

law, or College regulations. No student's room or possessions shall be searched by College authorities unless a certificate authorizing the search has been issued and signed by the Dean of Students. The certificate shall state the source of the information, the violation, the location of the search, the materials to be seized or information sought and the name of the person authorized to conduct the search. The search shall be conducted only in the presence of the student whose room or possessions are to be searched.

ADMINISTRATION OF POLICIES AND REGULATIONS

Basic Policy

The discipline of the College is vested in the President by the action of the Board of Visitors. The President has empowered the Dean of the Undergraduate Program, the Dean of Students, and the Associate Dean of Students for Student Development to exercise limited disciplinary authority and to levy penalties of disciplinary probation, limited or terminal, and lesser penalties as appropriate. Students so disciplined shall have the right of a hearing before the Committee on Discipline, which has the authority to levy any of the penalties listed in the section headed "Penalties." Residence hall councils are empowered to deal with violations of social regulations and of other residence hall regulations occurring in the residence halls (See Residence Hall Life). Serious infractions of College regulations normally are considered by the Committee on Discipline, membership of which includes administration, faculty, and students. In addition to the Committee on Discipline, the Dean of the Undergraduate Program, the Dean of Students and the Associate Dean of Students for Student Development, the President in his discretion may call upon other representatives of the administration, the faculties, and students for assistance, or he may act without the intervention of other administrative officers or the Discipline Committee.

The test of whether a specific infraction shall be handled by the Dean of the Undergraduate Program, the Dean of Students or the Associate Dean of Students for Student Development or by the Discipline Committee, shall be whether or not the offense is one which in the opinion of these officials may be punishable by suspension or separation from the College or is specifically designated as subject to action by the Discipline Committee. If it is, the matter shall be referred to the Discipline Committee for action in accordance with procedures set forth below.

Composition of the Discipline Committee

The Discipline Committee consists of seven members of the faculty and three students appointed by the President of the College. The Dean of Students and the Associate Dean of Students for Student Development are non-voting members. The Chairperson and Vice Chairperson of the Committee are appointed by the President. If a member of the Committee is absent, the Committee may select a replacement from among the students or faculty of the College as appropriate or the hearing may be conducted without all members of the Committee present upon the consent of the student whose case is being heard. The Associate Dean of Students for Student Development shall bring forward the evidence on the basis of which the accused is being heard and may question the accused and witnesses. The Dean of Students shall serve as secretary. Other than in the capacities mentioned herein, the Dean of Students and the Associate Dean shall have no part in the proceedings of the Committee.

Procedure

A student who has been accused of misconduct or violation of College regulations will be given a written statement of the charge on which he is to be heard at least 48 hours in advance of the hearing. The student will be invited to prepare a written statement in advance of his appearance before the Committee but the preparation of such a statement is not compulsory.

The accused shall be present and shall have the right to choose an advisor or to engage counsel to represent him at the hearing. A student who intends to bring legal counsel to the hearing is required to give written notice of his intention at least twenty-four hours in advance of the hearing. The Committee on Discipline shall have the right to have counsel of its own choosing, but such counsel may not vote on the finding or penalty. The accused shall have the right to know the evidence on which he is being heard, to question his accuser, and to cross examine witnesses appearing against him. He shall have the right to present witnesses in his own defense and to present whatever information or evidence he deems appropriate to a fair and adequate defense. In the determination of guilt, only the evidence relating to the charge on which the accused is being tried may be considered. A tape recording of each hearing shall be made and a student whom the Discipline Committee has found guilty may have access to the recording of his hearing.

Since the College considers the testimony and evidence of a hearing and the finding and penalty confidential (but imposes no such stricture upon the

student being tried) the hearing is normally closed, but upon the request of the accused, and when approved by the Committee and the Dean of the Undergraduate Program, an open hearing may be held. In the event, however, that the presence of others interferes with the orderly conduct of the hearing, the Committee may vote to close the hearing.

The conduct of the hearing is the responsibility of the Chairperson who shall question witnesses and the accused to the end that all information necessary to a full and fair consideration shall be brought out. In addition, each member of the Committee shall have an opportunity to question both the witnesses and the accused, and finally the accused shall have an opportunity to present whatever he considers necessary in his own defense.

Except in cases of oral reprimand, the accused shall be notified in writing of the decision of the Committee and the findings on which it is based within 24 hours of the conclusion of the hearing. Until he is so informed, he shall be entitled to attend classes and participate in other College functions unless the Committee believes his presence and participation would constitute a threat to his own safety and welfare or to that of other members of the College community in which case he shall be so informed in writing.

Penalties

Among the penalties levied by the appropriate authorities for violation of rules and regulations are those listed below. Additional penalties, usually of less severity, may be employed as appropriate.

1. Loss or restriction of privileges. Social and personal privileges, including the opportunity to participate in the electronic card-key system, to entertain guests in the private areas of a residence hall, to participate in social activities sponsored by the College or a residence hall, and the right to operate an automobile on campus, may be limited or removed, provided the penalty is consistent with the offense committed. Loss or restriction of privileges may be accompanied by other sanctions.
2. Restitution. A student may be required to reimburse the College or appropriate individual for damage to or misappropriation of property. The penalty of restitution may be accompanied by other sanctions.
3. Reprimand. Written or oral reprimand constitutes a severe reproof and a warning that the behavior of which the student has been found guilty will not be tolerated by the College. It cautions him that repetition of the behavior may result in a more severe penalty.

4. Disciplinary Probation. The student remains enrolled but under stated conditions limiting his activities or constituting a warning that further misconduct or violation of College regulations will result in his suspension or dismissal from the College.
5. Suspension. An involuntary separation from the College for a period determined by the Committee, at the end of which period the student is automatically eligible for readmission provided there is no other encumbrance upon his readmission.
6. Required withdrawal with eligibility to apply for readmission. An involuntary separation from the College with a date determined by the Committee when the student may apply for readmission. In such instances the student must first satisfy the Committee by his conduct and record that he is in fact entitled to readmission.
7. Dismissal. Involuntary separation of the student from the College without expectation of readmission.

Right of Appeal

Any student found guilty by the Committee on Discipline shall have the right to appeal the finding and the discipline imposed upon him to the Dean of the Undergraduate Program. Any such appeal shall be in writing, shall be based solely upon the record, and shall be limited to one or more of the following grounds:

1. That the finding is not supported by substantial evidence
2. That a fair hearing was not accorded the accused, or
3. That the discipline imposed was excessive or inappropriate.

Such an appeal shall be presented to the Dean of the Undergraduate Program via the Dean of Students within five days of the conclusion of the hearing. If the penalty being appealed is dismissal or suspension, the accused shall not attend classes or take part in any College function while his request is under consideration. The five-day limitation for the presentation of an appeal may be extended an additional five days by the Dean of the Undergraduate Program for good cause.

It shall be the responsibility of the Dean of the Undergraduate Program to act upon all such appeals within five days of receipt of the appeal and to notify the student in writing of his decision and the findings on which it is based, but his action may be postponed an additional five days in which case the student may be permitted to attend classes or participate in normal College functions.

The Honor System of the College of William and Mary

HISTORY

Among the most significant traditions of the College of William and Mary is the student administered plan of discipline known as the Honor System. The essence of the Honor System is individual responsibility in matters involving the student's honor, and the System hopes that every student is concerned with the strict observance of the principles of honorable conduct which he upon matriculation pledges to uphold, for his own sake, for the sake of his fellow students, and for the sake of the College.

The evolution of the Honor System over the years to its present form is best understood when considered against the background of changes in the character of the College itself. The College originally combined the higher school with a grammar school and served almost exclusively the sons of Gentlemen of the planter aristocracy, who took special pride in their reputation as men of honor. The students formed a small, closely-knit group, at times numbering fewer than a hundred; and a violation of the College code of discipline was punished by ostracism. Because of the existence of this gentlemen's code of honor that characterized life and conduct at the College from its beginnings, it is difficult to pinpoint a specific date marking the beginning of the Honor System as a system. It was assuredly emerging in one form or another prior to 1779, when the College was re-organized under Jefferson's leadership, the year often claimed for its official establishment; and minor details of administration have changed from time to time to meet contemporary needs and conditions.

From its earliest days the College has evinced an interest in the character of its students. In 1736 the College Statutes expressed the view that "special care must be taken of their morals, that none of the Scholars presume to tell a Lie . . . , or do any Thing else that is contrary to good Manners." The Faculty resolved in 1784 that every student should, upon matriculation pledge to observe all College regulations, and "particularly such as require that kind of conduct . . . conducive to the Honor & Prosperity of the University."

The Board of Visitors expressed their faith in the students' integrity in the Statute of 1788 which stated that "whereas those, who are generally admitted into the higher schools, are from their years entitled to a certain

degree of confidence in their discretion . . . the ordinary strictness of schools may with respect to them be in some measure relaxed.”

One spokesman for the “liberal and magnanimous character of discipline” at William and Mary, Nathaniel Beverley Tucker, then Professor of Law at the College, explained in 1834 something of the attitude underlying the System in an address to a group of law students. Said Professor Tucker: “It has been the study of its professors to cultivate at the same time the intellect, the principles and the deportment of the student, laboring with equal diligence to infuse the spirit of the scholar and the spirit of the gentleman. He comes to us a gentleman. As such we receive and treat him, and resolutely refuse to know him in any other character . . . His Honor is the only witness to which we appeal. . . .”

As the College has grown in size and complexity, the student body has become less the homogeneous group which characterized the earlier years, particularly before the latter part of the nineteenth century. The College no longer serves exclusively young men from restricted or provincial areas of social and economic life, but is a co-educational institution serving several thousand students from all parts of the United States and from foreign countries. It is accepted that honor and responsibility are not absolute, intrinsic values, but are acquired in a specific environment and are, therefore, relative to that environment.

As a relative value, honor means many different things to many different people. Today, for immediate purposes within the College community, its applications are restricted to three specific areas—lying, stealing, and cheating. This restriction of definition enables the theoretic concept of honor to be applied on a practical level within a heterogeneous body.

As numerous bulletins state, the discipline of the College was entirely “in the hands of the President and faculty” until the twentieth century, when student government was instituted at William and Mary. Today the Honor System is student administered through an elected council.

Whereas the present administration of the Honor System by the students through an elected council evolved during the 1920's, the spirit and essence of the Honor System have historically threaded the years undisturbed and, guarded jealously, have remained intact.

MEANING

Under the Honor System it is assumed that every student has an express interest in preserving the integrity of the College Community, for himself as well as others. Primarily, the function of the Honor System is to educate

—to instill a common sense of honor in the heterogeneous student body. Morality is not inborn; it is learned, and it is learned in a specific environment. The Honor System helps to create an environment which will be most favorable to the individual's continued development of honorable traits and behavior, while providing checks against those who deviate from the code.

The effectiveness of the Honor System is dependent upon the student's acceptance of his responsibility toward that system. The very assumption that a person is worthy of trust is a powerful factor in insuring that confidence will be deserved.

When the students pledge to abide by the Honor Code they are indicating publicly their acceptance of the system and their intention to live by certain principles. That anything but rare violations of these principles should occur is inconceivable, for frequent violations would mean that the spirit of honor, and hence the Honor System, did not exist. That a violation should never occur is equally inconceivable. The strength of the Honor System rests in the fact that it provides an atmosphere in which the honorable student can act with individual responsibility while providing a way to sanction those who violate this Code. With a breach of the Code the Honor System becomes more than a matter of individual morality alone, and emerges, in essence, as a system of external control administered by one's peers as the constituted authority created by the students themselves.

Under this system its precepts are supplemented and reinforced; supplemented for those who lack the depth of inner sanctions of conduct and reinforced for those whose conduct may be in need of that stimulus, enlargement, and support which comes from subjection to discipline that is self-imposed.

It is important that no student commit an act of lying, stealing, or cheating nor tolerate such behavior among his fellow students. The basis of the Honor System at the College rests upon each student's acceptance of his responsibility to make the moral choice of upholding not only his personal honor, but the code of honorable conduct for the College as well. It becomes necessary in order for such a system to continue to be effective that each student acknowledge that he will not accept dishonorable conduct among his fellows. Therefore, the responsibility of a student to report infractions of the Honor Code that he may witness is a vital part of the student-administered system. Such reporting is not depriving honor of its personal sanctity, for along with an inner morality there needs to be an external control in the social sense, for those whose ideals and codes of personal conduct need to be strengthened.

The individual becomes keeper not only of his own honor, but in a sense that of his fellow students as well. Forcing someone to report infractions under fear of penalty himself is a contradiction of the role of the individual and his responsibility to others living under the system. Therefore, the stimulus to report an infraction he witnesses must come from within the particular student and not from written law. Such is the essence of honor.

ADMINISTRATION

The students administer the Honor Code through one elected Honor Council. The Council is elected by vote of all undergraduate men and women. Whenever a student is accused of a breach of honor, the Council has the power and the duty to investigate the alleged offense and, if necessary, conduct a hearing or trial. In addition, the Honor Council is responsible for explaining the Honor System to entering students during the College orientation period, and for providing judicial review for the Student Association Constitution and By-Laws.

The Honor Council is composed of four senior representatives, four junior representatives and four sophomore representatives. The chairperson is chosen from among the senior representatives. The chairperson is chosen by the newly elected members on the council and its outgoing senior members. The vice-chairperson is chosen from among the remaining newly elected representatives in the same fashion. In case of a tie vote for the chairperson or the vice-chairperson, the outgoing chairperson will cast the deciding vote. A secretary for each trial will be chosen on a fixed rotating basis.

When a breach of honor is reported it will be referred by the chairperson to an investigating committee. The committee will be composed of those members not sitting on the trial.

In the event a member of the Honor Council does not fulfill his responsibilities as a Council member, a vote of 6 of 11 members of the Council will initiate impeachment proceedings. The proceedings will include a meeting of the Council at which time the impeached member may justify his actions.

If 9 of 11 Council members participating in the proceedings shall believe the impeached member has wilfully avoided or unjustifiably neglected his duties or failed to uphold the principles of the Honor Code, he shall be dismissed. The dismissed member may appeal to the President of the College or his designated representative.

PRINCIPLES

Pledge

Upon matriculation each student is automatically subject to the provisions of the Honor System. The Honor Council meets with entering students to explain the principles and procedures of the Code so that students may be fully aware of the System. At the end of orientation a student signs a pledge card stating that he understands what is expected of him under the Honor System and that infraction of the Honor Code at any time during his student days may be punishable by dismissal from the College. From time to time a professor may require the student to sign a formal pledge on work as a reminder to the student that he is subject to the provisions of the Honor Code.

Infractions of the Honor Code

Infractions of the Honor Code include cheating, stealing, and lying. Under the present system these infractions are defined as follows:

1. *Cheating.* Fabricating written assignments, giving aid to any student or receiving aid without the consent of the professor on tests, quizzes, assignments, or examinations, and the act of plagiarism are violations of the Honor Code. Consulting unauthorized materials on tests, quizzes, assignments, or examinations shall constitute *prima facie* evidence of the intent to subvert the purpose of the exercise and shall be interpreted as cheating.

Plagiarism is the act of presenting the information, ideas, or phrasing of another person as if they were one's own. Such an act is plagiarism whether by ignorance of proper scholarly procedures, failure to observe them, or deliberate intent to deceive. Plagiarism is a violation of the Honor Code if a specific intent to deceive is present. The presence of a significant amount of plagiarized work shall constitute in itself *prima facie* evidence of this intent.

Regardless of its reason, plagiarism is a violation of the standards of scholarship which the College endeavors to teach. While these standards encourage the constructive use of materials for reference and research, they also demand the honest acknowledgment of all sources of help. If the instructor should determine that such acknowledgment is not made according to the accepted procedures in the scholarly discipline involved, he will bring a charge of cheating before the Honor Council. In trying the case, the Honor Council will assume that all students enrolled in the College of William

and Mary are cognizant of the following two basic principles and understand that they apply regardless of other directions:

- a. All quoted material must be identified by quotation marks, indentation on the page, or other recognized method, and the sources must be clear.
- b. Any information, idea, or phrasing borrowed from any specific source must be explicitly attributed to that source, whether or not the material is actually quoted, unless the borrowed item is obviously in the realm of "common knowledge"—that is, knowledge which persons conversant with the topic involved could be expected to have in their memories as a matter of course.

The student should assume that he is neither to give nor receive help on any work; any exception to this rule on a particular assignment must be expressly and specifically made by the individual professor.

Ignorance of the above statement is not an excuse for violation of the Code. It is the responsibility of the student to learn from the individual instructor the procedure for acknowledging sources and indicating quotations required by each assignment.

Those cases which appear to be serious should be referred to the Council; all such cases should be reported promptly, regardless of the personal feelings of the accuser.

2. *Stealing.* Stealing is the act of taking or appropriating without right or leave that which belongs to another with intent to keep or with intent to make use of wrongfully that which was taken. It is assumed that the individual will exercise good judgment in determining whether an act is an act of theft or merely an act of borrowing. Common sense dictates that students take ordinary measures to safeguard their property just as they would in the noncollege community.

Removing books from the College Library without checking them through the proper channels is stealing. Student use of the College Library is subject to the principles of the Honor Code. The open-stack system is in effect; that is, students may browse in the stacks, and the students themselves assume responsibility for checking out books at the circulation desk. The alternative of the open-stack system is a closed-stack, under which students are not

free to browse, but rather must give the titles of books they are interested in to a clerk who locates the books. The advantage to the students of the open-stack system in terms of ease of research and intellectual stimulation make the open-stack system preferable. The system can continue, however, only so long as students assume their obligations under the Honor System to obey Library regulations.

3. *Lying.* Lying is the intentional statement of an untruth made with deliberate intent to mislead another about other than trivial matters. If an individual tells an untruth concerning some matter, but later, on his own initiative, tells the truth concerning the same matter before he is confronted with committing a breach of honor, this shall be considered in his favor in dealing with his case and determining the penalty.

Forgery is considered an act of lying. It is an honor offense. As defined by the Honor Council, it includes the unauthorized signing of a college document.

Falsely testifying before the Honor Council is itself an Honor offense. If an individual is being tried for an offense of the Honor Code on one count and lies while appearing before the Honor Council, he will be accused of committing an additional breach of Honor. In such cases, a new trial will be held to determine the guilt or innocence of the accused on the additional charge of lying.

AMENDMENT

The preceding sections of the Honor Code may be amended from time to time by three-fourths vote of the Honor Council concurred in by the President of the College.

PROCEDURES

Reporting a Breach of Honor

The basis of the Honor System at the College rests upon each student's acceptance of his responsibility not only to act honorably, but to uphold the code of honorable conduct for the College as well. It becomes necessary in order for such a system to continue to be effective for each student to acknowledge that he will not accept dishonorable conduct among his fellows. Therefore, the responsibility of a student to report infractions is a vital part of the Honor System.

Any person believing that a breach of the Honor Code has been committed must challenge the student accused of the act and offer him the opportunity to resign from the College immediately without the expectation of readmission or to report himself to the Honor Council. If the accused does not report himself to the Honor Council within twenty-four hours, the accuser must report the case. Only in those cases where a direct challenge is not feasible, may he report the suspect directly to any member of the Honor Council, who will in turn notify the accused of the accusation against him.

Investigations of Alleged Dishonorable Practices

Whenever it is brought to the attention of the Council that there is reason to believe that practices by students in violation of the Honor Code may be occurring, it shall be the duty of the Council to hold a meeting or meetings for investigative purposes and to summon witnesses to disclose to the Council any information requested that is relevant and within their knowledge.

Witnesses

A witness called to testify must appear before the Honor Council and must give such testimony pertaining to the case as may be requested by the Council. Any student who in the opinion of the Council refuses to testify frankly and fully shall be reported to the Chairperson of the Discipline Committee of the College. Falsely testifying before the Honor Council is in itself a violation of the Honor Code.

Failure to Stand Trial

Should a person leave the College after having been challenged without appearing before the Honor Council for trial, the accuser shall report the name of the accused and the breach of honor to the chairperson of the Honor Council. The Honor Council shall then record the facts of the case and advise the Dean of Students that the student withdrew under suspicion of a breach of honor and is therefore ineligible for readmission.

Rights of the Accused

The accused shall have the following rights in the event he elects to stand trial:

1. A right that the charges against him be reduced to writing and served on him personally by some member of the Honor Council

before trial. If these charges are so vague or indefinite as not to apprise fairly the accused of the charge or charges against him, he may ask for a more definite statement as to time, place, and any other particulars relevant to the case, which shall then be furnished him promptly and in advance of the trial.

2. A right to a written statement of his rights and duties with respect to the trial, and the procedure thereof. This shall be given him at the same time he is served with notice of the charge or charges against him.
3. A right to have the opportunity to seek the advice of his parents, teachers, or spiritual adviser, and the matters told in confidence not be disclosed.
4. A right to request an open trial. The request must then be approved by the Council and the Dean of Students.
5. A right to ask anyone who will not be a witness to be his counselor. While counsel may represent the accused, the accused is encouraged to present his own case.
6. A right to a trial at a proper time and place. A right that the trial not be held with undue haste, nor, that it be postponed unnecessarily. Trials will not be held for too long periods of time without recess, or at unseemly hours. In general there should be a recess every two hours, and no trial should continue past midnight, though members of the Council, if they so desire, may deliberate until a majority ask that proceedings be recessed.
7. A right to summon witnesses and to testify in his own behalf, but the number of character witnesses, if any, may be reasonably limited by the Council.
8. A right to be confronted with the witnesses, and to question them.
9. A right that he not be tried for two offenses in the same trial.
10. A right that he not be tried for one offense, e.g., cheating, and convicted on another, e.g., lying before the Council, without the same opportunity to defend himself against any other charge.
11. A right that his or her husband or wife, or brother, or sister, of the full blood or the half blood or by legal adoption, may not testify against him.
12. A right, before official notification by the Dean of Students of the verdict and penalty, to attend classes and to participate in any

college function which will not directly affect his candidacy for graduation.

13. A right to elect to be tried separately where he is one of two or more accused of a joint violation. If none of those accused jointly of an alleged joint offense request separate trials, they may be tried jointly or separately as the Council deems best.
14. A right, even though guilty, to present evidence of extenuating circumstances.
15. A right to an acquittal unless at least six out of seven of the Council believe that the charge or charges against him have been proved beyond a reasonable doubt.
16. A right, in event of acquittal, that the minutes and recordings of his trial be destroyed promptly after the expiration of two weeks from the time he is notified of his acquittal. A verdict of acquittal is not final during this period, and the case may be reopened for good cause shown at the request of any party in interest. If so reopened, it is to be regarded as a continuation of the original case.
17. A right to request the Dean of the Undergraduate Program to review a finding of guilt and the propriety of the penalty. This right must be exercised promptly after notification of the accused by the Dean of Students or his delegated representative of the penalty. The request should be made in writing and should state clearly the reasons relied upon for reversal or modification. If the penalty being appealed is expulsion or suspension, the accused shall not attend classes or take part in any College function while his request is under consideration.
18. A right that neither his person nor his property shall be insulted, molested, threatened, or damaged because of his part in the trial.

Duties of the Accused

If he elects to stand trial, the accused shall be under the following duties:

1. A general duty to co-operate reasonably with the Council in conducting the trial and bringing it to a close without undue delay.
2. A duty to answer all relevant questions frankly, fully, and honestly, unless such answers would tend to expose him to the probability of criminal prosecution, in which case the accused, if he does not wish to answer, shall so state.

Rights of Accuser

1. An accuser shall have the right to appear as a witness and present his case so that he can satisfy himself that his complaint is being properly heard.
2. He shall have a right to be advised of the final decision.
3. He shall have a right that neither his person nor his property shall be insulted, molested, threatened, or damaged because of his part in the trial.

Conduct of Trial

1. The trial will be conducted according to fair and equitable procedures and will not be bound by common law rules of evidence or procedure.
2. Every trial shall be conducted by a Council of seven members. Should some of the regular members be unavailable, the chairperson, with the advice of the members who are available, may appoint any member of the undergraduate student body as a temporary member of the Council. In the absence of the chairperson, the vice-chairperson shall perform all the functions that would otherwise be performed by the chairperson. In the absence of both the chairperson and vice-chairperson, the remaining members shall elect an acting chairperson.
3. The chairperson of the Council shall preside.
4. The chairperson may require any person disrupting the orderly proceedings of the trial to leave.
5. The chairperson reserves the right to declare a recess at any point in the trial.
6. The accused and all witnesses shall be reminded that lying in an Honor Council trial is itself a violation of the Honor Code.
7. The questioning of the accused and all witnesses shall be done by the chairperson. When the chairperson is through questioning, each member of the Council shall be given the privilege of asking additional questions. Then the accused may ask the witnesses questions he or she wishes to ask. When he or she is through, the witnesses may be asked additional questions by any member of the Council. Then the accused may ask additional questions, and so on, until all parties are satisfied, for the time being, that the witnesses can

furnish no further information. Hearsay evidence may be heard at the discretion of the chairperson, when some useful purpose may be served thereby, and there is some guarantee of its reliability. The chairperson shall pass on all questions raised as to relevancy of proffered evidence, and where no unfairness is likely to result, may depart from the order of procedure set forth above.

8. Where the evidence consists in whole or in part of written work or other exhibits, the accused shall be permitted to examine them during the course of the trial.
9. Witnesses may be recalled by the accused or at the discretion of the chairperson of the Council.
10. No trial shall be held on Sunday or any religious holiday if anyone connected with the trial objects in good faith to its being so held.
11. Any student who in the opinion of the Council refuses to testify frankly and fully shall be reported to the chairperson of the Discipline Committee of the College.
12. If six or more of the seven members of the Council participating in a trial shall believe the accused guilty beyond a reasonable doubt, he shall be deemed guilty as charged; otherwise he shall be acquitted.
13. The Council, after having found an accused guilty, shall by two-thirds ($\frac{2}{3}$) vote of the Council recommend the penalty. In determining guilt or innocence it is not proper to consider extraneous matters not brought out at the trial.
14. If the finding be one of guilt, that fact shall be reported in writing to the Associate Dean of Students for Student Development along with the recommended penalty and any alleged exceptional extenuating circumstances. The accused should be notified only of the finding of guilt and told that the Dean of Students will in due course notify him of the penalty. The accuser shall also be given notice in writing that the accused has been found guilty.
15. If the finding be one of innocence that fact shall be reported in writing to the Associate Dean of Students for Student Development. The accused should be notified of that finding and cautioned that the trial may be reopened for good cause within a period of two weeks at the request of any interested persons. The accuser shall be given notice in writing that the accused has been acquitted.

16. If an open trial has not been requested, upon the written request of the accused, or the parent or guardian of the accused, an observer acceptable to the Honor Council and to the President of the College shall be permitted to be present during the trial. The College in such an event may also designate a suitable person to act as an observer. Observers, unless called as witnesses, shall take no part in the proceedings and shall not be present during the deliberations of the Council.
17. The secretary of the Council shall take and keep minutes of the proceedings as well as make a tape recording of the proceedings.
18. If the accused is acquitted, the minutes and recordings of the meeting shall be kept for at least two weeks and shall be destroyed immediately thereafter, unless the case has been reopened for good cause.
19. The minutes of any trial may be inspected by the President of the College, the Dean of the Undergraduate Program, the Dean of Students or their designated representatives. Others may inspect the minutes in the presence of two or more members of the Council after first having satisfied the Council of their legitimate interest in the case. The recommendations of the Council as to penalty shall become a part of the minutes from and after the notification of the accused by the Dean of Students of the penalty imposed, and not before.
20. Any member of the Council who is an accuser or a witness in a case is automatically disqualified from serving on the Council. A member may also disqualify himself or may be disqualified by the chairperson in any case because of interest, bias, close relationship to the accused or to the accuser, or for any other good reason.
21. No member of the Council shall communicate in any way with any person not a member of the Council about any case while that case is being tried. After trial, except under unusual circumstances, both discretion and good taste require continued secrecy.

Penalty for a Breach of Honor

A violation of the Honor Code is normally punished by dismissal from the College, either permanent or temporary, although this penalty may be modified when in the opinion of the Council conclusive reasons for doing so exist. Lesser penalties include a letter of reprimand or loss of credit in a course.

If, after trying a case, six of the seven members of the Council are convinced of the guilt of the accused and so cast their votes in a secret ballot, the Honor Council shall immediately report its findings and recommendation to the Associate Dean of Students for Student Development.

After reviewing a case, the Dean of Students shall notify the accused and the Council of the final verdict and penalty. Penalties shall be imposed promptly and in the case of dismissal, the Dean of Students shall have the parents, where appropriate, and the Alumni Secretary informed, and shall have the facts recorded on all official records.

In the event the Dean of Students feels that the rights of the accused have in some manner been violated to such an extent that an unjust verdict or penalty may have resulted therefrom, the Dean shall declare a mistrial, and so inform the accused and the Council along with his reasons for so declaring. The Council shall then open a new trial to deal with the same charge. If the Dean of Students feels that the evidence does not justify the findings of the Council, the Dean may then set aside these same findings, informing the accused and the Council of the reasons for so doing. The Council shall then have the right of appeal to the President of the College. If the decision to set aside the findings is sustained, the accused and the Council shall be so informed.

Public Notice of Actions Taken

After the expiration of two weeks from the completion of any case, a notice of the charge, verdict, and the penalty shall be sent to the Editor of *The Flat Hat* along with a request that it be printed in a conspicuous place in that paper. The notice shall make no mention of any names.

Reopening Cases

No case shall be reopened after the expiration of two weeks from its completion before the Council except for newly discovered evidence, provided that the availability of such evidence was unknown at the time of the trial by the party seeking to reopen the case, and provided further that such evidence in the opinion of the majority of the Council would be apt to change the result of the original trial. In such cases either the accuser, the College, or the accused may ask that the case be reopened. If a case is reopened after the expiration of two weeks from its completion before the Council, it shall be tried anew.

Stale Cases

Any breach of honor alleged to have been committed more than four months before complaint shall be disregarded unless at least two-thirds of

the Council believe there has been just cause for delay and that it is still feasible to hold a fair trial.

Amendment

Amendment of these procedures requires three-fourths vote of the Honor Council.

Statement of Rights and Responsibilities

The College of William and Mary in Virginia

The unique nature of the college community suggests that its members be united in a common purpose. Because the work of each member of the institution contributes to the fulfillment of the educational mission of the College, the various constituent groups—students, faculty and administrators—are dependent upon one another for the ultimate achievement of the College's goals. Accordingly, all should enjoy the same fundamental rights and privileges and be willing to accept the same responsibilities, except in those rare cases where either the rights and privileges or the responsibilities would be in conflict with existing law or with the goals and purposes of the College as an institution of higher education.

Students, faculty and administrators (hereinafter the "members of the College community") shall enjoy all rights, privileges and immunities guaranteed to every citizen of the United States and the Commonwealth of Virginia. In addition, the members of the College community shall enjoy all of the fundamental rights recognized as essential to fulfillment of the special mission of an institution of higher education. The full enjoyment of these rights, however, cannot be achieved unless certain concurrent responsibilities are accepted. Members of the College community have an obligation, therefore, to fulfill the responsibilities incumbent on all citizens as well as the responsibilities inherent in their particular roles within the academic community.

The institution and those who administer its affairs have a special responsibility to insure that in pursuance of its functions, the rights of all members of the College community are preserved. The institution also has a right to expect, and a corresponding responsibility to insure within the scope of its legitimate functions as an institution of higher education, that individual members of the College community fulfill their responsibilities to others as well as their responsibilities to the institution.

The following Statement of Rights and Responsibilities is based upon the aforesaid principles and, when adopted, shall become the standard by which all rules, regulations, policies and procedures of the College, except as otherwise prescribed by local, State or Federal law, shall be measured. No rule, regulation, policy or procedure which is incompatible with or which contradicts this document may be enacted and any such rules, regulations, policies or procedures which are in effect at the time of the enactment of this document shall be reviewed as soon as reasonably practicable to conform with this document, provided, however, that this Statement of

Rights and Responsibilities shall not affect the powers of the Board of Visitors as provided by law.

I

The members of the College community, as individuals, shall enjoy all rights, privileges and immunities guaranteed every citizen of the United States and the Commonwealth of Virginia.

- A. Among the basic rights are freedom of expression and belief, freedom of association and peaceful assembly and freedom from personal force and violence, threats of violence and personal abuse.
- B. Each member of the College community has a right in his or her dealings with the institution and with members of the College community in the performance of their official duties to non-discriminatory treatment without regard to race, creed, sex, religion, national origin, or political belief.
- C. Each member of the College community has the right to organize his or her own personal life and behavior insofar as it does not violate local, State or Federal law, College regulations, or agreements voluntarily entered into, and does not interfere with the rights of others. The following specific rights apply:
 - 1. Right to associate with any legally established group or to create such groups, professional or other, as serve legitimate interests.
 - a. The membership, policies, and actions of an organization will be determined by vote of those who hold membership in said organization.
 - b. Affiliation with an extramural organization shall not disqualify an organization from institutional recognition.
 - c. An organization will be officially recognized after its constitution and by-laws have been approved by the appropriate body as designated by the President or his delegated representative and when consistent with the By-laws of the Board of Visitors. A current list of officers, but not a membership list, may be required as a condition of recognition.
 - d. Officially recognized organizations, including those affiliated with an extramural organization, shall be open to all on a non-discriminatory basis without regard to race, religion, creed, national origin, sex or political belief, provided, however, that to the extent permitted by law membership in honorary or social organizations may be restricted to members of the

same sex and membership in organizations whose primary purpose is political or religious may be restricted to those members of the College community who have similar beliefs.

2. Right to hold public meetings, to invite speakers to campus of his or her own choosing, to post notices and to engage in peaceful, orderly demonstrations within reasonably and impartially applied rules designed by the President or his delegated representative to reflect the educational purposes of the College and to protect the safety of members of the College community and others. The College may establish rules, therefore, regulating time, place and manner of such activities and allocating the use of facilities but these regulations shall not be used as a means of censorship. In the event that there is a clear and present danger, as determined by the appropriate college authority designated by the President, to the health or safety of the members of the College community or to the educational process, such meeting or demonstration may be prohibited. Sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed, either by the sponsoring group or the institution.
 3. Right, when charged or convicted of violation of general law, to be free of College discipline for the same conduct unless such discipline by the College community is determined to be for the protection of other members of the College community or the safeguarding of the educational process. Such determination shall be made by the appropriate College authority as designated by the President.
- D. Each member of the College community has a right to fair and equitable procedures for the adjudication of charges of violations of non-academic College regulations and the sanctions or penalties to be imposed, including, without limitation, the following specific rights:
1. Right to have advance written notice of all institutional rules and regulations including the ranges of penalties for violation of such rules and regulations.
 2. Right, in the case of charges of infractions of regulations which may lead to serious penalties, to formal procedures with fundamental aspects of due process, including the right to be informed in writing of the charges and given a reasonable time to prepare a defense, to be represented by counsel of his or her choice, to present and cross-examine witnesses, to have written findings and

to appeal to a higher authority. Minor infractions may be handled more informally by the appropriate individual or committee with the consent of the individual charged. In such instances the right of appeal is still preserved.

3. Right to be present on campus, participate in classes, and generally exercise all those rights and privileges associated with membership in the College community until found guilty of the charges, except in those instances when continued presence on the campus would constitute a threat to the health or safety of the individual, other members of the community, or to the educational process. Such determination shall be made by the appropriate College authority as designated by the President.

E. Each member of the College community has a right to privacy in his or her dealings with the institution, including, without limitation:

1. The right to be free of searches and seizures except in accordance with law. Routine inspections, however, may be held periodically for the purpose of assuring fire protection, sanitation, safety and proper maintenance of the College's buildings.
2. The right to expect that all records of his or her association with the institution are treated as confidential.
 - a. Except as provided below, the institution may not release information about any aspect of an individual's association with the institution (other than that information which is a matter of public record) without the prior written consent of the individual concerned or under the compulsion of law. The institution does, however, reserve the right to announce the bestowal of honors on its members. Within the institution, access to such records shall be restricted to authorized personnel for authorized reasons, as determined by the President or his delegated representative, and such others as are agreed to in writing by the individual concerned.
 - b. Each member of the College community and the parents or legal guardian of minor members shall have the right to inspect the contents of his or her own records kept by the institution, other than information submitted in confidence at the request of the College prior to June 30, 1974, and may request the destruction of any information not relevant to a proper evaluation of his or her performance within the institution or unsupported allegations constituting hearsay.

The questions of relevance and hearsay shall be determined by the President or his delegated representative. An individual shall also have the right to challenge the accuracy of any information contained in his or her records, in which case, the institution shall undertake to verify the accuracy of such information to the satisfaction of the individual concerned or make a permanent notation in the record that the accuracy of such information has been challenged by the individual concerned. Subsequent authorized disclosure of the contents of the record shall indicate such challenge.

- c. Records of the political and religious activities or beliefs of members of the College community may not be maintained except for purposes of official recognition.
- d. To minimize the risk of improper disclosure from student records, the academic record shall be maintained separately from other necessary student records. Transcripts of academic records shall contain only information about academic performance and status. All withdrawals prior to graduation, whether voluntary or involuntary, shall be recorded on the transcript.

Each member of the College community shall have the responsibility to respect the aforesaid rights of his or her associates and refrain from using the institution as a sanctuary from the general law.

II

Each member of the College community enjoys all rights of citizenship, and has a responsibility to fulfill the obligations incumbent on all citizens. Additionally, there are special rights and responsibilities inherent in membership in an academic society.

- A. Each member of the College community has a responsibility based upon the special mission of an institution of higher education to respect the rights of others to function in an atmosphere where freedom to teach, to learn and to conduct research and publish findings are preserved and respected, an atmosphere which includes without limitation the following specific rights:
 - 1. Right of the instructor to academic freedom and impartial consideration for tenure in accord with the principles set forth in the statement of Academic Freedom and Tenure adopted jointly in 1940 by the Association of American Colleges and the American Association of University Professors and with the standards and

procedures approved by the Board of Visitors and set forth in the Faculty Handbook.

2. Right of the instructor to determine the specific content of his or her course within established course definitions. Concurrently, the instructor has the responsibility not to depart significantly from his or her area of competence or to divert significant time to materials extraneous to the subject of the course.
3. Right of the student to be evaluated entirely on the basis of academic performance and to freely discuss, inquire and express opinions inside the classroom. The student has a responsibility to maintain standards of academic performance as set by his or her professors provided, however, that the student shall have means for redress against arbitrary, unreasonable or prejudicial standards or evaluation.
4. Right to pursue normal academic and administrative activities, including the freedom of movement in the performance of such activities.
5. Right to privacy in offices, laboratories and dormitory rooms and in the keeping of personal papers and effects.
6. Right to hear and study unpopular and controversial views on intellectual and public issues.
7. Right of the student to expect that information about his or her views, beliefs and political associations which an instructor acquires in the course of his or her work as a teacher, advisor or counselor of the student be held in confidence to the extent permitted by law.

B. Since student publications are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and intellectual exploration on the campus, it is essential that they enjoy the following rights and responsibilities:

1. Right to be free from prior censorship or advance approval of copy.
2. Right to develop editorial policies and news coverage.
3. Right to be protected from arbitrary punishment or suspension, or removal from his or her position because of student, faculty, administrative or public disapproval of editorial policy or content. Only for proper and stated causes, as defined by the Publications

Council of the College, shall editors and managers be subject to such punishment, suspension or removal. The academic status of a student editor or manager shall not be affected, provided, however, that he or she shall remain subject to the provisions of Article I, Sections C-3 and D-3.

4. Responsibility to make clear in writings or broadcasts that editorial opinions are not necessarily those of the institution or its members.
- C. Members of the College community have a responsibility to maintain the highest standards in the performance of their duties and to respect the aforesaid rights of his or her associates.

III

The College, through those who administer its affairs, has a special responsibility to insure that in pursuance of its functions, the rights of all members of the College community are preserved, including, without limitation, the rights of such persons heretofore specifically enumerated.

The College has a right to expect, and a responsibility to insure, within the scope of its legitimate functions as an institution of higher education, that all members of the College community fulfill their responsibilities to others as well as their responsibilities to the College.

- A. The College has the right and responsibility to set and enforce reasonable standards of academic performance and personal conduct in order to facilitate and safeguard the educational process and to provide for the safety of the person and property of members of the College community, the College's physical property, and the person and property of others to the extent that they are affected by College-sponsored activities or are engaged in legitimate activities on College property.
- B. The College has the right and responsibility to provide procedures for determining the validity of charges that a member of the College community is negligent or irresponsible in the performance of his or her duties.
- C. The College has the responsibility to insure that the members of the College community have an opportunity to be heard at appropriate levels of the decision-making process about basic policy matters of direct concern. Clearly defined means should be available to insure this opportunity.

- D. The College has the responsibility to provide and maintain leadership and administrative procedures responsive to the needs and desires of the College community, consistent with high standards of academic excellence and to the changing goals and responsibilities of institutions of higher education, including the responsibility:
1. To make, from time to time, a clear statement of its purpose and goals.
 2. To disseminate information relating to the activities of the College, financial or otherwise, subject to the provisions of the Virginia Freedom of Information Act.
 3. To state the reasons for institutional decisions affecting the College community or individual members thereof, except as required by the provisions of Article I, section E, 2a, or by the advice of legal counsel in instances involving possible litigation.
- E. The College has the right and responsibility to protect its integrity from external and internal attacks related or unrelated to the performance of academic activities and to prevent its political or financial exploitation by an individual or group.
1. The College has a right to prohibit individuals and groups who are not members of the College community from using its name, its finances or its physical facilities.
 2. The College has the right to prohibit members of the College community from using its name, its finances or its physical facilities for activities not principally for the benefit of the College.
 3. The College has the responsibility to provide for members of the College community the use of meeting rooms, including use for political purposes, provided that such use is not undertaken on a regular basis and used as free headquarters for political campaigns, and the responsibility to prohibit use of its name, its finances or office equipment for any political or other purpose.

IV

This document shall be adopted and may be amended when:

- A. Accepted by a majority vote of those students who vote in a referendum.
- B. Accepted by a majority vote of the combined faculties of the College who vote in a referendum.

- C. Accepted by a majority vote of the administrators of the College who vote in a referendum.
- D. Approved by the President of the College and the Board of Visitors.

Nothing in this document shall affect the powers of the Board of Visitors as provided by law.

